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18/9/58

SABARIMALA TEMPLE ARSON CASE

Enquiry Report of Shri K. Kesava Menon, Deputy Inspector-General of Police, Special Branch, C.I.D. (On Special Duty)

The first information in this case to the Police was on the night of 16th June 1950, when the Devaswom Commissioner and the President of the Devaswom Board informed the Inspector-General of Police that when the Santhikaran went to the Sabarimala Temple on the 14th June 1950, he found the Sreekovil, the Mandapam and the store-room completely gutted by fire and the idol damaged, that the temple was last closed on the 6th of Edavom 1125 (20th May 1950) after the usual Pooja and except for five days in Malabar month when there will be Pooja, the temple is usually closed and that there is no habitation for 10 to 15 miles around, that the Santhikaran stated that there was evidence that the store-room and kitchen quarters have been forcibly entered into, vessels having been thrown out, and that a kerosene lantern was found in the Sreekovil.

The Inspector-General of Police then directed the District Superintendent of Police, Quilon, to proceed to the spot and make inquiries and also informed the Assistant Inspector-General of Police to pursue the inquiries and direct the investigation.

The District Superintendent of Police, Quilon, and party visited the Sabarimala Temple, the scene of occurrence, and made inquiries. The Inspector-General of Police and the Asst. Inspector-General of Police also visited the scene of occurrence on 20-6-1950 and made enquiries.

The District Superintendent of Police, Quilon and Party who visited the temple at the earliest opportunity found the following:

1. There were 15 cut marks of violence on the door leading to the Sreekovil indicating forcible entry into the Sreekovil. The existence of such marks goes against the theory of accident.

2. The idol was found broken, the head, left hand palm and fingers separated. There were cut marks on the face of the idol as well as on the forehead.

If the breaking of the idol alone is taken into consideration, a possible point that the rafters and other copper and other appliances of the roof of the Sreekovil could have fallen down on the idol and caused the damage arises for scrutiny, but the marks of violence on the brass-plated door of the Sreekovil together with the marks on the idol, raise the irresistible conclusion that the forcible entry into the Sreekovil was for the purpose of breaking the idol and that the weapon that was used to cause the cut marks on the door was the same used to break the idol. At the scene of occurrence, there was an axe and it is definite that that axe was used to cut the Sreekovil door, as traces of brass were found on the sharp edge of the axe, and hence it has to be said that the fire was not accidental.

Next it may be argued that the entry was for committing theft, but apparently that does not seem to be the motive, since nothing valuable, viz., silver, gold and other utensils which were inside have been removed.

The temple and its surrounding buildings were built up of wood, copper, brass, which are not easily inflammable, but they have been completely burnt. This is evidence enough to show that great effort has been made to set fire to the temple and speaks a deliberate action. When the Potti and party left on the morning of 6-10-1125, the temple was in tact. They are the only persons who had access into the temple and there was the possibility of an accident by the fire spreading due to the negligence of the Potti and his subordinates. Thus it could have taken place only during their stay. The possibility of the Potti and the Devaswom party hushing up an accidental fire has to be ruled out, as it is clear that there cannot be a conspiracy within the party itself, which consisted of several persons. Besides the Potti and party, there were other worshippers also. These worshippers were examined and they all state that they left the temple with the Potti and party and the temple was in tact when they left during the first week of Edavam.

The possibility of fire around the forest area enveloping the temple and thus bringing about the destruction of the temple is also out of the question, as there were no signs of any such forest fire around the area, and there were ample indications of a deliberate setting fire of the temple at the scene.

The temple and surrounding building as already mentioned having been built of mostly non-inflammable materials, could not be easily set fire to and on a modest calculation, the perpetrators could have worked at this at least for four to five hours continuously, as evidenced from the emptying of the ghee tins and utilising cloth and other materials to set fire to the temple. Further, there were signs of occupation of the temple premises by a party. They have made use of the provisions that were stored in the temple including coriander. These clearly show that great labour has been undertaken in committing this act.

After having explained that theft was not the motive of the offenders, the next point for consideration is to find out what else is the motive and who could possibly have that motive. From the examination of the scene of occurrence and attendant circumstances, it was possible to come to a conclusion that the offence was a deliberate one well conceived and executed. There was a touch of open vandalism and desecration was the only purpose. The breaking of the idol after forcibly entering into the Sreekovil by cutting open the door with an axe indicates ferocity. With this background, the whole point has to be viewed. With a view to find out which community had a motive, an unprejudiced view has to be taken and for this purpose it should be possible to prove by reasonable arguments that a particular community alone could have done this. Assuming that the Hindus have done this, the reasons for their doing and the reasons for their not doing it should be adduced. The following are the arguments to prove the complicity or otherwise of each community.

HINDUS: Before commencing a discussion on this, it has to be stated that the offence was not committed by one man but only by a group of persons. The reason for this is that a single individual should have the courage to travel through this dense forest area over a long distance, stay in the temple premises and commit the offence and return. This is an impossibility. Moreover, the examination of the scene of occurrence has amply proved that the offence could not have been committed by one person and that there were signs of more than one person having occupied the temple premises. Further, the commission of this offence requires knowledge and familiarity of the shrine as well as of the route leading to the shrine.

The Sabarimala Temple, as already described, is situated in the dense forests. Access to this temple is through difficult

routes, infested by wild animals. Offenders have to reach the temple through such routes and familiarity and knowledge of the surrounding forest area and routes are essential requisites for such an expedition. Though it will not be correct to state that there are no Hindus who are not acquainted with the place and route, it is reasonable to consider that Christians have got more familiarity and knowledge than the Hindus in this direction, as they and they alone occupy the places at the base of these hills and they are the only persons who hunt and poach in the vicinity of the temple day in and day out. In short, they have more facilities to commit this crime than any other community; and it is in evidence that they have hunted and poached in the vicinity during the relevant period. The forest lands and the areas either at the beginning of these routes or lying along these routes are all cultivated not by the Hindus but by the Christians. The Hindus have not and cannot have so much of opportunities as the Christians. A Christian has absolutely no regard for a Hindu temple or idol. To him a Hindu idol is either a piece of stone or a block of metal. In short, he attached no sacredness for any Hindu idol or temple except that he may admire as a work of art. It is otherwise for a Hindu.

Whatever might be the feelings of a Hindu towards idol worship, it is doubtful whether any Hindu has broken an idol and set fire to a temple. If he is not an idol worshipper, he may refrain from going to the temple, but he may not break the idol and set fire to the temple. This offence is not at all the work of a mad man as evidenced from the method or manner in which the temple was set fire to and idol broken. The Hindus have no influence over the area and any party of Hindus cannot get into forests without being noticed by Christians.

There is evidence that during the relevant period, there were parties of hunters within a radius of 5 to 6 miles and any party of Hindus travelling could have been easily noticed by Christians and they would have come forward. A party of Hindu coolies who had gone to collect minor produce had satisfactorily explained their movements and a thorough verification was made. They had no hand in this. The Hindus have no purpose whatsoever by destroying this ancient sacred temple. It is from this temple that Hindus get a large income. It is this temple that brings about unity among all classes of Hindus.

Further, low caste Hindus have got such a reverence and faith that they will not entertain the very idea, or even dream of doing it.

The only other argument is that the Hindu Mandal people could have destroyed this temple with a view to foist the case on Christians not only to harass them, but also to strengthen the solidarity of unity among the different sections of the Hindus by creating an atmosphere of hatred against the Christians. It was my earnest consideration to make thorough inquiries about this point. Apart from the utter absence of evidence of movements of a Hindu party in the area during the relevant period, there is a very logical argument that assuming that the organisers of the Hindu Mandal are so degenerated as to destroy their own sacred temples to foist a case against the Christians, they could have as well achieved their object by destroying a church by themselves and turn the table on Christians saying that the Christians themselves destroyed the church with a view to foist a case on Hindus, in which case they not only preserve the sacred temple, but also achieve the purpose which they want to attain, gaining much and losing nothing. This point has to be very seriously considered. So it would prove conclusively that the Hindus would not have done this. Further, if the Hindu Mandal wanted to do it, they would have as well done this before the Kaviyur reconversion or even before the Hindu Mandal Convention at Quilon. Finally, if the Hindus have done this, certainly information would have come out by this time regarding the perpetrators, because, psychologically at least one of the Hindus would have become terror-stricken and blurted out the details to somebody. It was because the offence has been committed other than by the Hindus, no information has so far come forth. This is borne out by the fact that a Christian or a Muslim has absolutely no feeling for the destruction of Hindu idol or temple. This, again, is a point of psychology.

The Hindus of South India do believe in the mythological aspect of this Forest Deity AYYAPPA and there are innumerable stories, perhaps with historical background, creating a belief in the sacredness of this ancient temple with such devotion where reason or rationalism have no place. In short, there are thousands and thousands of Hindus of South India who believe that a visit to the temple and offerings there in the orthodox fashion would advance them much in their material prosperity and would be a shield against all dangers that are

likely to happen to them. All Hindus without caste, creed or colour have such feelings of devotion towards this deity. The deity is a forest deity and the general belief amongst the Hindus is that wild animals could be controlled by calling the name of God AYYAPPA. For example, even the wild animals go away when one mentions aloud the name AYYAPPA. Devotion, strengthened from incident to incident, created a feeling of perpetual love towards this deity throughout India, resulting in a large source of income during the Mandalam and Makaravilakku. High personages, including the members of the Royal Family of Travancore, have paid visits in all humbleness to kneel down for blessings. The area surrounding many square miles is believed in all earnestness by all Hindus to be the POONKAVANOM OF GOD AYYAPPA, where virgin forests existed from bygone days up to now without mutilation or exploitation and still continue to be so, to preserve the sanctity of the temple and its presiding deity, due to the fear that shooting of wild animals in these areas is a violation of the sacred principles of God and that any act was sacrilegious which, if committed, would cause the anger or wrath of God. Exploitation of this area is reported to have been continuously protested by the Hindus throughout, though the region by the valley and plateau surrounding are not only fertile for cultivation of tea, coffee etc., but also for other cultivations. This can be seen and is in evidence in the existence of coffee, tea, rubber and cardamom plantations which have sprung up round Sabarimala Forests. It is also reported that time and on, there were attempts by other communities to exploit this area which was mainly prevented due to the devotion of the Hindus. But there were and there are instances of poaching into these holy preserves by people who did not believe in the ancient mythological and sacred ideas and principles entertained by Hindus from father to son. History has repeatedly shown that such sacrilegious acts in spite of the devotion of the Hindus towards such ancient temples and idols have been committed with a view to challenge the basic existence of the Hindu temples. This is not only due to the fanaticism in the wake of hatred but also due to a desire to put a stop to the influx of a large section of humanity into the folds of this ancient religion.

This is one of the sacred temples which draw due to its sanctity thousands and thousands of devotees of all castes and creeds to offer their prayers to GOD AYYAPPA. Long before

the Father of the Nation preached temple entry for all untouchables, this ancient temple stood as a beacon light and guidance to the whole of India. For example, the low caste Pulaya and the high caste Brahmin rubbed shoulder to shoulder and offered prayers in this ancient temple. In the present day, in the wake of partition and communal tension among different communities, exhibiting the ugly signs of enmity against one another, this Makaravilakku stood in all its solidarity voicing forth the union of all Hindus into one fold and the fact stood as the foundation stone on which caste, creed and colour had to be shed away in the worship of the all-pervading God. Certain political reasons in South India, particularly in Travancore-Cochin, the economic downward trend of the Hindus and the comparative better economic condition among the Christians and the policy of slow absorption of low caste Hindus into the folds of Christianity due to various reasons which were continuously progressing in this State for centuries, to a certain extent opened the eyes of the Hindus and rightly or wrongly, whether political or non-political, an apparent attempt towards unification of all Hindus was started by the union of S. N. D. P. and N. S. S., which incidentally, though not materially, at least as a propaganda value, raised the feeling of frustration and alarm in the minds of the common Christians, which, perhaps, was responsible for the violent propaganda in Christian-owned papers and counter propaganda by Hindus in their own papers. One has to record in all seriousness that the Makaravilakku as stated above was attracting thousands and thousands of devotees, who in all sacredness forget themselves due to ecstasy, travel miles and miles through Christian areas surrounding the base of Sabarimala mountain as a necklace. These 'Ayyappans' sometimes violate the ordinary law of behaviour and cross to estates owned by Christians who cry in the ocean. These cries did not deter Ayyappans which included a number of people from non-Christian community. There are examples of non-Hindus offering prayers to cure illness of their children and for better production in agriculture and really offer prayers and give coconuts, ghee and what not, to this Forest Deity. It is commonsense under this background to presume that the temple with gatherings of large number of devotees was a force not only exhibiting the unity of Hindus, but also a check in the gradual absorption of low caste Hindus into the folds of Christianity, and a check against their conversion. It is a fact that this factor of the temple and its influence was taken cognisance of by political leaders to whip up

a reprisal. It is natural, under the circumstances, to conclude that the formation of the Hindu Mahamandal and the sometimes intolerant speeches made at the deliberations of the convention have contributed as a cause or motive for this unfortunate occurrence.

Investigation having pointed out the hand of Christians on circumstantial evidence, the details of which I have given below, it is natural to believe that the above facts related to the motive are not inconsistent with the evidence gathered. I am emphasising this point to show that the case was investigated as an ordinary Arson case on other important circumstantial findings with a view to trace the offenders, in which the motive point was not taken into consideration to begin with, and after investigating this on the lines mentioned above, and having arrived at conclusions, the motive point came in naturally in the wake of investigation. This was done with a view to have an unbiased attitude from the very beginning of this case. If the investigation had disclosed the hands of Hindus or Muslims, certainly there would have been natural underlying immediate causes for their perpetration.

At the first stage of investigation over a period of nearly a month, it was not even possible to find out the date of occurrence though strenuous investigation at the scene of occurrence was made for a long period. It was not even possible to find out the shortest period within which the crime could have been committed. The only evidence on this vital point of investigation in respect of the time of occurrence that was available was between 6th of Edavam, the date on which the Potti of the temple and party left the temple, and 31st of Edavam, when the Potti returned to the temple for the Pooja, when he found the temple in ruins. It is common knowledge that the time of occurrence is a very important factor in the process of investigation and even that was not conclusive at that stage of investigation. It was on the 7th of July, during the course of inquiries, that the Police were able to fix up the period as between 6th and 12th of Edavam, after interrogating a party of Hindu coolies who had also visited the temple during their search for minor products. The difficulty again presented as even this period extended over a week. Even though inquiries were made, there was no possible clue or evidence to narrow down or as a matter of fact to fix the exact date on which the temple was set fire to. Myself and special party took the sole charge of the investigation only on the 8th of September and the actual investigation was started on the 10th of

September. It was after the formation of the special party that the interrogation of Nilakantan, the Malayan Pandaran, was continued and information as to the spotting out of five persons between the 10th and 11th of Edavam in the close vicinity of the Sabarimala Temple was gathered. It was possible to gather from Nilakantan that the rain started on the 11th Edavam and that he saw smoke some two days back. This narrows down the period to between 6th and 11th of Edavam.

Approaching from the point of view of rain, it is ascertained from Podiyan's party (the party of Hindu coolies who went to collect minor produce) as well as from the evidence gathered from the statement of Nilakantan, the first rain at Sabarimala was on 11th of Edavam. The temple when Podiyan saw on the 12th in ruins, was washed by rain. So, the conclusion is that the temple was burnt between 6th and 11th. Potti left the temple on the 6th after the Pooja before 12 O'clock. It is just possible that the offenders could occupy the premises of the temple on the afternoon of the 6th and continue their operations either during the night of 6-10-1125 or on the night of 7-10-1125 after having occupied the premises of the temple during the night of 6-10-1125 and the day of 7-10-1125. There are reasons to believe that during the day perhaps attempts will not be made to set fire to the temple as there is the likelihood of a stray pilgrim or a wandering hunting party visiting the temple for shelter. It is certain that no human being can go through the forest and visit the temple after dusk. So it is almost certain that the offence could have been committed only during night time. The possibility is that the temple could have been set fire to on the night of 7-10-1125 or on the 8th night, but not possibly on the 9th or 10th night, because at least 12 hours are required to burn down the temple and at least two to three hours continuous working to set fire to on account of the brass coverings underneath the rafters, etc. It is in evidence that ghee and clothes were used to burn down the temple. When Podiyan's party saw the temple, the whole temple had gutted down. Nilakantan says that he saw columns of smoke three days prior to the first rain. Assuming in all probability the first rain was on the 11th Nilakantan could have seen the smoke only on the 9th noon. The temple therefore could have been set fire to on the 7th or 8th night, but certainly not after the 10th due to the aforesaid reasons.

After having arrived at the period of occurrence as between 6th afternoon and 10th Edavam, a close study of the parties

of hunters and other persons who have visited the temple was made. I am giving below a brief topography of the Sabarimala temple and its surroundings.

Routes: 1. Route from Mount Estate to Sabarimala temple through Vallakutamal and Chittambalamedu. This route is from the south and takes one to the northern steps of the temple. The distance is only 8 miles.

2. Route from Erumeli via Azhutha, Karimala, Pampakadavu, Anavattom, Sarankuttial and Sabarippeedhom. This route takes one to the eastern steps of the temple and it has no connection with route No. 1. The total distance would be about 21 miles.

3. Route from Rajampara via Nilakkal joins the Erumeli route at Pampakadavu and then via Anavattom, Sarankuttial and Sabarippeedhom and goes to the eastern steps of the temple. The total distance would come to about 16 miles.

4. Mathamba route. It goes from Mathamba estate which is 11 miles from Mundakayam on the Kottayam-Kumali road, 35th mile. From the estate one has to go along the Panniyar river over Vengamala, come to Tholarmunni and proceed to Sabarimala through Mailadisingapara, Chittambalamedu and join the route from Mount Estate—Varayattumuttu Ponnambalamedu—about $2\frac{1}{2}$ miles from the temple and proceed to the northern steps of the temple. The total distance would be about 21 miles. Koynad, Kuppakayam, Kombanpara are places near Mathamba Estate situated in a mountainous area, with small cultivations. It is gathered in the investigation that there is only one party who poach into forests with licensed and unlicensed weapons. Kanjirappilli, Mundakayam and Murinjapuzha are the nearest places where the landlords of the above plantations and estates live.

5. Route from Periyar Lake side near the Dam. The route is through elephant tracts in the Hills up to Ponnambalamedu via Pachakanom Estate which is only about 5 to 6 miles from Sabarimala temple and joints the route from the Mount Estate—Varayattumuttu and Ponnambalamedu. Through the lake, parties go to Kumali through boat.

6. Other routes. The above are the main routes through which any party should pass. But clever hunters and persons employed in the collection of minor produce could move and cut across and join any one of the above routes though with difficulty.

The Sabarimala Hill area is certainly one of the best places for big game hunting. There are places where bison could be shot with ease and comfort and various species of deer are in plenty all over. Even elephants could be shot and ivory collected. Of course, large-scale hunting may not be possible without the connivance of the employees of the Game Association and the Forest Department. From the inquiries made, it is ascertained that bisons are shot, flesh dried and carried generally from the following places:—

1. Pullumedu valley is only about six miles from the temple. The place is accessible from the route from Mount Estate and Mathamba Estate. Here bisons are available at all times.

2. Chittambalamedu which is only four miles from the temple, lies on the Mathamba and Mount Estate routes. Here bisons, monkeys etc., are available in plenty.

3. Ponnambalamedu, about six miles from the temple, is also another place where bisons are shot. This is even called 'Kadaman Medu'. This place, though on the route from Periyar Dam side, is easily accessible to the users of the route from Mathamba and Mount Estates.

4. On the Rajampara route, small game and fishing are generally done on the Pampakadavu and in the Kallar river and adjoining forests. Nilakkal and Pampakadavu are about 12 miles and six miles from the temple respectively.

5. Similarly, on the Erumeli route, small-scale games and fishing are resorted to by people.

The whole of the forest area surrounding the Sabarimala Temple to a radius of about eight miles is the Government Reserve and licensed hunting for big game as well as other kind is restricted to a very large degree and the rules and regulations which are very strict have to be very strictly followed. Reckless hunting according to the rules is almost impossible, as the age of the animal to be shot and the species to be shot and even the length of horn etc., have to be taken into consideration before any animal is shot. Generally, it is ascertained that people do not hunt in the Sabarimala hills which is believed to be the POONKAVANAM OF GOD AYYAPPA and particularly Hindus seldom make any attempt to hunt in these forests. It is gathered during the course of investigation on pucca evidence that both Hindus and Christians jointly and separately do poach into these forests and shoot bisons all

over the forest area, particularly in places mentioned above, where, it is gathered, no hunter can miss a bison at any part of the year. It is also gathered that the Christian hunters use the premises of the temple for shelter and drying of flesh. These persons are generally low-caste men who poach not for the pleasure of the chase, but to make a living. A full-sized bison, whether male or female, will ordinarily supply 100 to 150 lbs. of flesh which in the plains would fetch Rs. 200 to 250. The cost of the party would not exceed Rs. 30 to Rs. 40. So, a week's earning for a party of 4 or 5 would come to about Rs. 150 which is easier than any manual labour. In addition, the hunters here have also flesh for themselves and their family for a week or two. It is this desire to earn money and desire to have food that entice these people to poach into these forests. Another factor which encourages such poaching is rich and monied people do like bison flesh in these parts of Northern Travancore and they encourage their own dependents living in the mountainous area to poach and get flesh. It is in evidence that during marriages of monied people of the Christian community, flesh of wild animals is supposed to be an important item of the menu. One Manayanikal Kochu has stated that he had given flesh on 31st Medom for the marriage in Karimbanal's house.

The temple is situated in a valley surrounded by rising hills on all sides and dense and almost inaccessible forests where wild elephants and leopards roam all through the period. The routes to these places have been detailed above. These routes are seldom made use of by the public, as there is no necessity for the public to visit the forest area except as a pilgrimage to the temple, but the route from Mathamba is never used by pilgrims. This is more or less a secret route taken by hunters. The routes are also used by poachers and coolies who go for the collection of minor products. The Malayan Pandarams and other hill tribes also traverse these forest areas. It has to be noted that the whole area is Government Reserve and Forest Department officials also visit the area, but they do not patrol the area or watch the exit or entry of persons very regularly as it is almost impossible to do so. From the inquiries made, it is known that the forest officials visit the forest only when they have got any particular work or when they have information of any offence being committed or going to be committed. Further, it is almost impossible

during monsoon days to visit this area due to several natural obstacles and nobody ventures to do so unless he has got some particular mission to perform. The Potti and the temple authorities visit the temple at the end of every month. They take the Vandiperiyar route, which is really a good foot-path at least for some miles and this is the easiest and quickest route to the shrine. All other routes are difficult. The other popular route is from Erumeli, the orthodox route taken by the pilgrims during the Makaravilakku. The Rajampara route is also popular for persons who visit the shrine from Ranni side. But the two latter routes are not usually used to visit shrine except during the Makaravilakku time. The three routes mentioned above start from populated places at the base and generally hunters and poachers do not take these routes as they will be spotted out by the officials of the Game Association as well as by Forest Officials. They cannot also return through these routes ordinarily as they will be carrying the booty of their hunting, which is also an offence. So, the only route through which hunters can move unnoticed and hunt in the vicinity of the Sabarimala temple is the Mathamba route. The place Mathamba and the surrounding habitations are themselves ordinarily inaccessible. One has to trek a long distance from the Kottayam-Kumili road about 11 miles from Munda-kayam through rubber plantations and then walk nearly four miles through mountainous paths to reach these places. The route from Mathamba to Sabarimala passing through Varayattumudi, Mailadipara, Chittambalamedu, Ponnambalamedu, etc., is more or less a protected route for all hunters, poachers and other offenders, as no forest officials or Game Association official could easily keep a watch and detect cases of forest offences. Further, investigation has brought out that all hunting parties who have hunted during the relevant period are hunters from this area and they have admitted their presence in the forests near the shrine during the period.

It can be seen that there is no human habitation around an area of nearly 8 miles from the Sabarimala Temple. There are, of course, the Malayan Pandarams and other members of the hill tribes who live in these areas and change their places of residence frequently. The only Malayan Pandaram who was reported to be living close by the temple is Nilakantan. For over a long period persistent inquiries were made to trace this man and he was traced only on 22-8-1950. He is a primitive man with little commonsense though he could understand and narrate a story in his own fashion. He was interrogated with

care. The nearest human habitation is not a village, but only an estate. This is the Mount Estate through which the Vandiperiyar route to the shrine passes. There are other estates on all sides which are owned by Christians. I doubt very much whether there are any Hindu estates of tea, coffee or rubber at the base of Sabarimala Hills. Thus, the influence all around is Christian and it is impossible for any Hindu party to move into the forests for the commission of any offence or as a matter of fact even for an excursion without the knowledge of Christians, who are the inhabitants of places at the base and who have business in the area.

Inquiries go to show that except the pilgrims and the temple servants who visit the temple regularly every month, there is no information of any Hindu party except a party of Hindu coolies having entered the Sabarimala Forest area during the relevant period. The movements of this party of Hindu coolies are detailed below: Pappi Podiyan of Ranni Pakuthi, Perunad Muri, Thannimoottil house, Age 25.

Podiyan with Govindan, Damodaran and Narayanan, all inter-related, had been to Sabarimala temple on 12-10-1125. When they reached the temple, they saw the temple in ruins as a result of the havoc by fire. They went to the forests for collection of minor produce for the contractor Syed Muhamed of Pathanamthitta. They left Lahe at 10 a.m. on 3-10-1125 and reached Narayanan Thodu where they have lands under cultivation. The next day, they reached Nilakkal which is five miles from Narayanan Thodu. They halted there for five days collecting minor produce in that area. The next day, they reached a place a little above Kollamuzhi and put up a temporary shed. That day they stayed there. On the day following, they went to a place a furlong above the meeting place of rivers Kallar and Pampa. This is two to two-and-a-half miles from the temple. They did not put up a shed there. The next day they went up the Kallar river by the bank and reached the extreme end of the Chettuvazhi leading east from the temple. There is a jack tree and from that jack tree they plucked jack fruits. Then they went up the above route to the temple. On the way they saw a herd of bisons and shot at them in vain. It was then raining heavily. There was rain the previous day also. It was on the 12th of Edavam that they went to the temple. They went near the flight of steps (Pathinettampadi) to worship and turned northwards. Approaching the tank Damodaran said that the temple was not to be seen. Govindan was not in the party as he remained

back at Kallar preparing kanji. When they looked at the temple they saw only the pillars. Then they entered the temple by the northern steps and went to the Nalambalam. They saw the temple being gutted by fire and wetted by rain. They returned back to Kallar through the Sarankutti route and near the Sarankuttial they saw a small tin and a blanket lying there. They cut some plantain leaves from Dharmamedu and reached Kallar. It was raining then. The next morning, they left Kallar and reached Nilakkal by about afternoon. Next day, leaving Govindan at Nilakkal they went for collection of minor produce and returned in the evening. Govindan told them that a set of thirteen persons, some of them Ulladans, were going into the forests. He told them that Podiyan and Narayanan had been to Kallar and that they have all returned. The next morning, they came to Narayanan Thodu and after two days Podiyan alone stayed at Oozham. He sent word through Kandan, a korava, that the Sabarimala temple was seen by them in ruins. Kandan went and informed Podiyan's mother. All the members of this party definitely say that excepting themselves and the Ulladans no one else from Rajampara side went into the forests ordinarily. Pampakadavu is two to three miles from Sabarimala. It is not possible to hear anything from the temple at Kallar because of the sound made by the torrents. They did not see anyone else either at Sabarimala or surroundings. Nor did they see any shed anywhere there. That was why they had to put up a shed. Podiyan says that he saw Pappan at Kanjirappalli and that he talked with him. He also says that Kunhuppan told him that when they went for hunting they heard about some hubbub at Sabarimala and that they returned. From Nilakkal there is only one route and the route is infested with wild animals. Narayanan, one of the party, stated that he knows Nilakantan, the Malayan Pandaran, and that he last saw him immediately after the Makaravilakku when the latter was going to Achankovil. He also adds that Nilakantan used to give them some minor produce sometimes and in return they used to give him salt, chillies and tobacco. After this, he has not seen Nilakantan. Nilakantan was going in search of a girl. Narayanan also says that on 12-10-1125 when they went to the temple, they did not see the embers or smoke.

It is from the above party, the earliest date of the destruction of the temple was ascertained. They are Hindus and their contractor Janab Syed Muhamed Rowther, under whom

they are working and for whom they collect minor produce, says that they are well-behaved coolies against whom no complaint of any sort have come to notice and that they used to be regular in their habits always keeping correct accounts and as far as he could say they are trustworthy. The one thing that strikes a note of the truth of their statement is that after their return from the temple on 12-10-1125, when they saw the temple in ruins, to Oozham, they immediately sent word to their house stating that the temple was destroyed. This was verified and it is found to be true. If they had destroyed the temple, they will be the last persons to communicate this information immediately after their return to Oozham. It is doubtful whether this party would stay at Kallar at a place 2 1/2 miles from the temple after having committed the offence. When they met Narayanan and the Ulladans at Nilakkal, they immediately informed them that they went to Kallar and that there was a shed there for their stay. The Ulladans support this version. During the course of their statement they had stated that while they were returning from the temple on their way, they saw a torn blanket and a tin. These articles were subsequently recovered by police. This incident also corroborates their statement. They say that they know Nilakantan and that they saw him after Makaravilakku. Nilakantan says that he saw a party of five persons at Kallar on the 10th or 11th of Edavam. If Podiyan and party had seen Nilakantan, they have no motive to hush up that fact. In addition to all the above points, Narayanan and party had no motive to set fire to the temple, and by themselves they are quite incapable of committing this offence. They were thoroughly interrogated and they had satisfactorily explained their movements, in the forests.

Exhaustive and thorough inquiries were made and as a result the movements and activities of the following parties were brought to light.

1. Ouseph Thomman alias Vattakunnel Kunhupappan and his party.
2. Pezhathumveettil Chacko, Malayanikkal Kochu and three coolies.
3. Adakkamundakkal Kunhappi and Malamakkal Skariya.
4. Pezhathumveettil Ouseph and others.

Party No. 1. This party consisted of six members. They are all Roman Catholics and are residents of Kombanpara, near Mathamba estate. Anthony, one of the members of the party, is his own brother. Paili, another member, is employed in the Game Association as a Game Watcher. Thomman and Devassya are two brothers and are neighbours of Kunhupappan. Naripara Kutti is another neighbour. Kunhupappan and Thomman have taken lands on tenancy from Kallivayil family and are dependents of Kallivayil family. All these persons have, besides cultivation, poaching occupation which gives them sufficient encouragement for living. Thomman and Kunhupappan own unlicensed guns. From Mathamba, they used to go into the forest area up to Ponnambalamedu passing Vengamala, Tholarmunni, Varayattumudi, Madakkusanmathayam, Malladisingapara and Chittambalamedu. From Ponnambalamedu they can see the Pachakanom estate, owned by Karimbanal people. Near the Uppuparai plantations, the road from Mount Estate to Sabarimala passes. All these persons say that they have seen Sabarimala temple from Chittambalamedu. But they add that they can see only a red colour probably the roof of the temple. Usually, they used to get Kezha, monkeya, deer and bison as games in hunting. This party left for the forests on the 15th of Medom 1125. They took salt, rice and chillies and two or three copper vessels. Two of them had guns. All except Anthony and Paili went by the aforesaid route to Chittambalamedu and halted there. Paili and Anthony joined them the next day by about afternoon going by the Padinjarapara route. It was a time when the nights were dark. They stayed there for that day also and on the day following they reached Ponnambalamedu. In the forests they used to travel in groups and some times as a whole. They put up a shed and stayed there for three or four days. During these days they saw some two or three bears and fired at them. But it did not strike. Then a small bear ran towards them and they caught one bear kid. They stayed that day there. Next day the whole party went to Chittambalamedu and stayed in the shed which they had once occupied. The next day Kunhupappan and Thomman shot a bison from Appachamedu one-and-a-half miles from their shed. Bison flesh (venison) was taken. The next day Kunhupappan and Thomman returned to Mathamba with the bear kid. The next day engaging Kittan, an Elzhava, to carry the bear kid, Kunhupappan went to the

40th mile in the Kottayam-Kumili road and gave the bear to Abraham of Kallivayil. This Abraham Kallivayil is the brother of Jos Kallivayil. Abraham was there in his house and Kunhupappan and Kittan were given food for the night. Next day Kunhupappan received Rs. 100 as a loan from Abraham, but did not receive anything for the bear. Kunhupappan did not give a receipt or any record for the amount. It was one one-hundred rupee currency note and Kunhupappan says that he got changes for the note from one Aphraim of Kulathingal, a merchant at the 40th mile. Then they returned home and halted at Kombanpara for the night. The next day, they went into the forests and joined the other members of the party and halted there. The next day Anthony and Paili went to Mathamba with the venison, the remaining members of the party halting at Chittambalamedu. The next day they went again to the place where the bear was shot. Kunhupappan got fever and they stayed for seven days. On the seventh day Paili and Anthony returned via Padinjarapara route. Paili and Anthony say that on their way they saw Adakkamundakkal Kunhappi and Malamakal Skariya near Varayattumudi and gave them a pound of flesh each. All of them halted that day at the place where they shot the bear. The next day they started back. Paili and Anthony went to Padinjarapara and Paili made an illegal gain of Rs. 10 by returning an unlicensed gun which he had seized the previous day. At 4 o'clock Paili and Anthony joined them. In the meantime, the others shot two bisons and took venison. The third day after this, they returned by the former route. When they had gone two furlongs, they saw four or five persons near Arjunamkotta, whom they understood to be Pezhathumveetil Chacko, Kananikkal Kochu and three coolies. Chacko referred to above stays in Purakayom in a land belonging to Karimbanal people. This Chacko and party were seen at a place six or seven miles from the temple. Kunhupappan and party had with them 150 lbs. of venison. A pound of venison sells at Re. 1 or Rs. 1-4-0. They reached Paili's house and divided the venison among themselves. This Paili is the game watcher and his work is to detect unlicensed hunting in the forests. Paili's wife and children are staying in Mathamba. She is employed in the Mathamba estate. Kunhupappan and Paili are friends for the last one-and-a-half years. Kunhupappan adds that they used to give venison by way of wages to the coolies working in his land. The second day after their return from the forests,

Paili went and called Kunhupappan to Mathamba to accompany Inspector Sri Lopez of Mundakayam, who was then at Mathamba with writer Verghese. Kunhupappan, Anthony and Thomman immediately went and joined the Inspector. Kunhupappan saw two Police constables also with the Inspector. That evening and night they went about the estate limits, but did not get anything. The next day the Inspector and others went up to Ennakkapilly in the forests for hunting and returned in the evening. The Inspector left for Mundakayam. That day, Paili and Kunhupappan got feverish. Paili was in the hospital for sometime and Kunhupappan was attending to his cultivation. Weeding was going on for three weeks. But when there was labour of ten persons remaining, Kunhupappan again went into the forests. Ouseph of Pezhathumveettil s/o Ouseph, writer, Karimbanal estate, went to Mathamba and asked Kunhupappan to go to Murinjapuzha. Kunhupappan went to Murinjapuzha accordingly. Kunhupappan says that Chacko purchased things on credit from Kavungalpeedika near Murinjapuzha toll gate. Kunhupappan returned to Mathamba. The next day Kunhupappan, Anthony and Kumbalamthanon Thomman joined Ouseph, Chacko and two coolies at Mathamba and went to Ponnambalamedu. It is said that they went for plucking cardamom plants for the Karimbanal muthalali. On the fourth day of their stay at Ponnambalamedu they shot bison and took venison. Ouseph went to Murinjapuzha to inform the muthalali of the non-availability of cardamom plants and returned the next day. It is said that Ouseph told the party that he know from a pandi near the Satrom that thieves had entered the Sabarimala temple and that the temple was burnt and that the Inspector-General of Police and the Reserve were coming. They decided to go away immediately. Then they came to the medu and stayed there. Next day, Kunhupappan went up to the medu and saw a good number of persons going by the road to Sabarimala. He thought that it was the Reserve. Immediately they all left and came to Ennakkapilli. Kunhupappan and Anthony stayed behind and others went to their respective homes. Kunhupappan and Anthony stayed there for five or six days. From Ennakkapilli, the place where the Reserve was seen is about 12 miles distant. At Ennakkapilli, Manayanikkal Kochu and four others joined them and stayed with them for four or five days. Kunhupappan says that he knows Koynad. Kunhupappan also stated that there are no other poachers from Kombanpara side and that he or

the party has not seen anybody else in the forests during the relevant period. Kunhupappan has gone to the Pachakanam estate through the aforesaid route. He says that he does not know Malayan Pandaran Nilakantan and that he has not seen anybody coming from the Pachakanam estate towards the Ponnambalamedu when they were at Ponnambalamedu.

Kumbalamthanath Thomman, Vattakunnel Antony, Manayanikkal Kochu and Naripara Kochukutti all support the statement of Kunhupappan regarding the version of their movements in the forests.

The second party consists of Manayanikal Kochu alias Kuruvila, brother-in-law of Kunhupappan, Pezhathumveetil Chacko, second son of Ouseph, writer of Karimbanal estate, and three coolies, viz., Kunhu, Kochappu and another. They started on 1-10-1125, the day of the marriage in Karimbanal house. Kochu says that on 31-9-1125, himself, Chacko, Chacko's father and Chacko's brother with Kunhu, the cooly, took deer flesh to Karimbanal house in connection with the marriage. The party left on 1-10-1125, went to Azhutha and stayed there. The nights were dark then. The next day also they stayed there. The next day they went to Karandaparamunni and stayed there. The next day they went to Arjunamkotta and they saw Vattakunnel Kunhupappan and party going at a distance. That day they stayed in Ponnambalamedu and found remnants of venison at Ponnambalamedu. They shot a bison that day and with venison went to Arjunamkotta, the next day, and stayed there. Arjunamkotta is four or five miles from the place where they shot the bison. The next day they returned back to their house. Kochu says that he knew of the devastation of the temple by fire when Kunhupappan and others were in the forests to pluck cardamom plants. Then again Kochu with four others went to Ennakkapilli by the beginning of Mithunom and saw his brothers-in-law Anthony and Kunhupappan there.

The third party consists of Adakkamundakkal Kunhappi, Malamakkal Skariya and Kadapur Mathayi. They went in the beginning of Medom. They do not remember the date. They recollect the time of starting saying that it was not time for weeding. They started, one evening by 4 p.m., and stayed on the banks of Azhutha. The next day at 11 O'clock they went to Mailadisingapara and they saw Vattakunnel Kunhupappan and Thomman going eastwards. The latter did not see them nor did they talk to them. A little later, they saw Kunhu-

The above is the gist of the evidence in respect of the movements and activities of these Christian poachers who had without any fear for law hunted in the Government Reserves with impunity and had behaved in a manner indicating the strength and support of a strong party of Christian landlords. The members of this party mentioned above were examined by the investigating officers in this case as early as 13-8-1950. There were long long intervals between this examination of each member of the party. This is a defect in the investigation, as one member who is questioned had ample time and opportunities to communicate with other members, so that all the remaining members who were examined subsequently gave more or less a consistent version with stories, though with strange loop holes, to explain their activities and movements in the forests. The Special Party took sole charge of the investigation only on 8th September 1950, after nearly three-and-a-half months after the case was reported. As the investigation was continued without any supervision or direction by me then and there and as the reports regarding the day to day investigation of the case (case diary) were not sent to me, we had to traverse the entire period of investigation, visit the places connected and examine the persons connected, most of whom were already contacted and examined. It was during the course of such examination that several important points by way of clues pointing out the offenders came to light and with a view to have their evidence before a judicial authority, to prevent a possible tampering, the statements of nine persons were recorded under section 162, Criminal Procedure Code, by the Divisional First Class Magistrate, Chengannur. Such recording also avoided any complaint of harassment at the hands of the Police.

It can be seen from the above evidence that Vattakunni Kunhupappan and party and other parties were moving in and around Sabarimala area from about 15th of Medom to 1-11-25. It can also be seen that between 6th and 11th of Edavom, the relevant period of occurrence, Maniyanakkal Kochu, Pezhathumvcettill Chacko and three coolies, Adakkamundakkal Kunhappi, Kadapur Mathayi and Malamakkal Skariya were in the Ponnambalamedu area. Ponnambalamedu and Chittambalamedu are the best hunting place six and five miles respectively from Sabarimala shrine. The longest time taken to reach Sabarimala from these places will be only four hours. From these places any party could operate on the Sabarimala

shrine with ease and security. They have hunted, shot bisons, dried venison and halted at these places even according to their own statements. It is also in evidence that besides these parties there were no other parties in this area during the relevant period. The only explanation they could give is that they were there for purposes of hunting. It is indeed a very suspicious, if not direct, proof that at the time, at a period between 6th and 11th Edavom, when the temple could have been destroyed, these Christian poachers should be at a place very near to the shrine. Now, in a case of this nature, committed in wide forests where there is no human habitation, the complicity of the offenders can only be brought to light or proved by an examination of their conduct, their state of mind, intention and other characteristics indicating their concern or not. In arson cases, the presence of an accused person near the scene of crime is a point in favour of the prosecution and against the accused indicating his intention. Now in this case the only way of proving the complicity of these persons or at least reasonable suspicion of their concern is to find out whether they were near the scene of occurrence or not. It is admitted by them and they have stated so in their statements before the Magistrate, that they were present there during the relevant period and moved freely in all directions within a radius of 6 miles from the Sabarimala shrine. The statements given by them before the Magistrate were self-exculpatory in character inasmuch as they have not stated of their visiting the Sabarimala temple during their expedition. They stated merely that they were there for purposes of hunting. Unless it is a strange coincidence, which it is not, these persons having not explained satisfactorily their subsequent activities and conduct as well as their antecedents relating to their hunting expedition, one is forced to come to a conclusion that their visit to these places of Chittambalamedu and Ponnambalamedu at this particular period is only to destroy the temple under the guise of hunters and nothing else. These conclusions are general and I am giving below the reasonable suspicion against each individual to bring home a charge of reasonable suspicion of their complicity in the offence. They would not have admitted even their presence in the area had it not been for other circumstances from which they could not wriggle out. Having admitted their presence, they have come out with cock and bull stories of their presence in the forests as well as movements immediately following the occurrence. Unfortunately,

the statements of accused persons, unless they are confessions, are not admissible in law and cannot be made use of in any judicial proceeding. But they can certainly be taken as evidence by authorities to come to a conclusion of their concern in the offence. Now according to Kunhupappan and party, they left their place of residence, i.e., Kombanpara, on the 15th of Medom. They visited the Sabarimala area, shot bison and returned to Kombanpara on the 5th of Edavom. It is then that he is supposed to have met S. I. Lopez. Even according to Lopez and his head constable, they saw only Kunhupappan, Pailli, Thomman and Anthony. The remaining two say that they returned to Kombanpara, but there is no evidence at all to prove their presence in Kombanpara after the 5th. These two people, according to Kunhupappan, have not accompanied them in any of their subsequent expeditions, but it is hard to believe that it is so. They have not satisfactorily explained their subsequent activities. The one possible conclusion from all circumstances put together is that there are reasonable grounds to conclude that these two did not return along with Kunhupappan and party, but were loitering in the forests. It has to be reiterated that the movements of hunters in forests cannot be easily checked up and verified, but the veracity of their statements can only be tested by their conduct. After the hunting of S. I. Lopez and party, Kunhupappan, Pailli and party disappear from the scene altogether until Ouseph meet them at a later period. According to Kunhupappan, he was sick. The sickness to this man comes all on a sudden. Pailli also falls sick. And that too suddenly. The sudden sickness is simultaneous. Pailli appears before an Estate Surgeon on 29-5-1950/15-10-1125 and there is a hospital record that he was in the hospital till 4-6-1950. Pailli says that between 7th and 15th he was in his house being sick. The distance between his house and hospital is only half-a-furlong. According to the official diary of Pailli, during the period, he has reported that he was at Rannikovil on 6-10-1125 and subsequent days till 24-10-1125, and that he was sick. According to an explanation given to the Game Association Ranger on 2-11-1125 this Pailli says that he was at Rannikovil and was sick. In another explanation subsequently given to him, he says that he was at Mathamba between the 6th and 12th of Edavam. Mr. Wood, the Game Association Ranger, says that Pailli was not sick and that he was absent from duty without any permission during the period. Mr. Chacko, the Asst. Game Warden, Peermade,

says that Paili's explanation that he was sick was false and that Mr. Verghese writer of Mathamba Estate had requested him to excuse Paili for his absence. There are reasons to believe that Paili has deliberately attempted to create an alibi by saying that he was sick and creating hospital records to prove the same with the help of Verghese, the writer of Mathamba Estate. It is reasonable to conclude that immediately after leaving Lopez and party, he had again gone into the forests and was hunting or doing such other acts as he liked during this period. Nothing would have prevented Paili to say that he went to the forests and hunted between 6-10-1125 and 12-10-1125. He had admitted to the Police that he was in Kunhupappan's party prior to 7th Edavom. What is it that prevented him from admitting his hunting after the 7th is a matter to be presumed—something sinister, something very damaging, which would implicate him, which he is not prepared to admit. On the top of all, he had created an alibi of his sickness, proving it by the hospital records, with the help of Mr. Verghese, the writer of Mathamba Estate, with whom he is closely associated, I have to state that this is one of the strongest circumstances, very reasonably indicating suspicion on Paili, the Game Watcher. This game watcher is a notorious poacher and in conniving with Kunhupappan's party. Participating in the hunting expedition itself is an offence adding to the suspicion already created. He is the only man perhaps in this forest area who could have prevented any forest offence or at least could have information in the Sabarimala case. But when he himself was participating, in a manner indicating reasonable suspicion, the last human being who is bound to give information is also dismissed. It is very strange that he admitted his presence till the 5th of Edavom, but suddenly becomes sick after that. Witness Ittiathi Kadutha who was examined by the Special party states that he saw Vattiakkunnel Kunhupappan and other proceeding towards forests from Mathamba one evening during the first week of Edavom. This statement of Kadutha supports the visit of the party to the forest after meeting S. I. Lopez.

Kunhupappan is the leader of the hunting party and a Roman Catholic Christian. He is a dependant of Kallivayil people. Perhaps he is the only man in Mathamba who could organise a hunting party and move into the forests and do anything fearlessly and easily. He is a very dexterous poacher who lives on poaching and poaching alone. His adherence to

Kallivayil people is seen from his visits to them often and receiving money. He himself admits of having received Rs. 100 without any record. He admits of having presented an young bear to Abraham to Kallivayil. He himself admits of selling venison and making a living out of it. His sudden sickness after the 7th till Ouseph approached him after 8 or 10 days, when he again goes to Murinjapuzha and thence to the forests, is very strange and suspicious. He has not satisfactorily explained his movements after the 7th. Thus, the conduct of Paili and Kunhupappan during the period between 6th and 12th Edavam, the relevant period, during which the temple could have been set fire to, is highly suspicious and creates reasonable suspicion of their having been concerned in the offence.

Kumbalamthanom Thomman, his brother Devassya, Vattakkunel Anthony and Naripara Kutti all say that they were at Kombanpara attending to their work. They simply stick to Kunhupappan's version. They are nothing but tools in the hands of Paili and Kunhupappan. But they have also no concrete evidence to show their presence at their place during the relevant period.

Pezhathumveettill Chacko and Manayanikkal Kochu and party: According to their statements, they started for hunting on 1-10-1125 and moved into the forests in the Sabarimala area including Ponnambalamedu and Chittambalamedu and shot bisons and returned on the 8th. Even according to them they admit their presence at Ponnambalamedu on the 6th, 7th and 8th. The activities and movements of this party are also very suspicious and here also the presence of these people during the relevant period is highly suspicious. There is no circumstance to indicate a prevention of Kunhupappan, Paili and party returning to Ponnambalamedu after the 7th and joining this party at Ponnambalamedu. This is made highly probable and possible by the suspicious subsequent conduct of Paili and Kunhupappan who suddenly fall sick and Paili creating false alibi and false reports. Pezhathumveettill Ouseph Chacko is a dependent of Karimbanal people and son of their writer. It is this man who had shot a deer and presented the same for a marriage party of Karimbanal which took place on 1-10-1125. These facts are admitted by them both in their statements to the Police as well as before the First Class Magistrate, Chengannur. So far, even according to their own statements, these Christian hunters have admitted their presence at Ponnambalamedu during the relevant period.

It can be seen that this Ouseph is the brother of Chacko mentioned in party No. 2. According to evidence, himself, his brother Chacko, Manayanikal Kochu and their father Ouseph and one Kunhu, a cooly, were present on 31st Medom in Karimbanal, the day prior to the marriage there. Immediately after that Kochu and Chacko go into the forests and remain in the forests till 8-10-1125. And Ouseph, Kunhupappan, Thomman, Antony and two coolies go into the forests the very same place, where they shot a bear, for plucking cardamom plants. They admit having shot a bison. The circumstances under which Ouseph and party went into the forests are apparently stated to be for purposes of plucking cardamom plants for Karimbanal muthalali. According to Ouseph, the date of going into the forests is towards the end of Edavom or in the beginning of Mithunom. According to Kunhupappan, who was one of the members of the party, the date is about the 20th of Edavom. There are varying degrees of inconsistencies in the statements of persons composing this party regarding the date of their going into the forests. From any given important incident, they are not able to recollect the exact date of their departure from their residence for this expedition. This itself connotes a very highly suspicious nature of their movement. The fact that they are not able to recollect the date of this important incident is a circumstance to suspect not only the bonafides of their visits into the forests but also gives room to conclude that there is some mystery or a hidden secret purpose which they do not want to divulge. The malicious intention brought out from this conduct is self-evident. According to Ouseph, himself and party moved into the surroundings of the Sabarimala area and hunted though the purpose was mainly for the collection of cardamom plants for Karimbanal muthalalies. Ouseph admits that he had a letter to the writer of the Pachmanom Estate from Kochukunhu, the Karimbanal muthalali. He did not know the contents of the letter. He says that he left the party at Ponnambalamedu, which is only two miles from the Estate, and he went alone through the dense forests to hand over the letter. He says he did not get any reply. He simply returned giving the letter. He then says that collection of cardamom plants was impossible as there were no plants and so he went alone to Murinjapuzha to inform his muthalali that collection was impossible. This statement of Ouseph is nothing but a trumped up story to cover up his movements or knowledge regarding a particular incident or affair because, if cardamom plants are not available

in the forests, Kochukunhu, his muthalali, would not take the trouble of sending a party at a great cost to collect them, because his brother Ittyera has got a cardamom estate in the very area and if Kochukunhu really wanted cardamom plants, it was easier for Kochukunhu to arrange the collection of the cardamom plants through his brother than to send a party from all the way from Mathamba to Pachakanom. Further, the route to Panchakanom for Karimbanal people is easier through Kumill-Periyar Dam where they have got their own boats. This circumstance is highly unnatural and unbelievable and points out that the purpose for which Ouseph and party moved into the forests is not for the purpose of collection of cardamom plants, but something else. It is also incompatible from a business point of view to spend Rs. 5 per coolie per day and send them from a long distance to collect cardamom plants through a forest route when with less expense and less labour and by quick transport, he could get cardamom plants through his brother Ittyera who is owning a cardamom estate. Thus, it is crystal clear that the version that the party went into the forests for the collection of cardamom plants is a deliberate lie. If they had stated that they had gone for hunting it is at least understandable. But Ouseph and party cannot say that, because Ouseph by himself is not a hunter and if he is cross-examined on this, he will have naturally to deny the point and there are other circumstances from which he cannot wriggle out and say that he went for hunting. Ouseph says that because cardamom plants were not available, he went to Murinjapuzha to inform Karimbanal muthalali. He says that he left the party behind. This conduct of going to Murinjapuzha is unnatural and unbelievable. The party could have as well come away and then informed their muthalali. Another point is that Ouseph learnt about the Sabarimala fire at Padinjarapara Satram. It is only after learning this that he went to Murinjapuzha. He also says that he did not inform his father about the Sabarimala fire. He informed his father about the non-availability of cardamom plants and returned to Ponnambalamedu. He informed Kunhupappan and party that Sabarimala shrine was set fire to and that the Inspector-General of Police and party were coming. And then they all left the place. Ouseph says that it is from a Pandi that he learnt. He is not able to describe who that Pandi is. He says that he did not inform anybody about the Sabarimala fire, on his way to Murinjapuzha and back. What is the conclusion one has to arrive at at the strange conduct of Ouseph?

First of all, his journey from Ponnambalamedu to Murinjapuzha is a waste as already explained. On the way he learns about the Sabarimala incident. The irresistible conclusion is that his statement that he made a journey is a made up one to cover up and camouflage his complicity in the offence, as otherwise he will have to admit his presence at Ponnambalamedu and explain his activities there, which he could not do, as his comrades had already given statements making it impossible for him to wriggle out. The story of his going to Murinjapuzha and subsequent statements are all deliberate falsehoods invented for a set purpose, indicating a made-up story under the instructions of some party behind, whose advice he is following. The conduct and behaviour of Ouseph clearly indicate that they were at Ponnambalamedu along with other parties between the 6th and 12th of Edavam and that they had committed the offence. It is in evidence that the shrine can be seen from the Chittambalamedu. All the members of this party say that Ouseph informed them of the Sabarimala fire and theft. All the stories brought out by Ouseph are blatant lies in an attempt to prove that neither he nor his party was present at Ponnambalamedu during the relevant period. Unless he and his party are not guilty of this offence, why should they bring in false stories regarding their movements. Kunhupappan had stated that two days prior to the going into the forests to pluck cardamom plants, himself, Ouseph and Chacko went to Kavungal peedika at Murinjapuzha and purchased provisions on credit in the name of Chacko, whereas Ouseph would state that they purchased for Rs. 50 paying cash. Verification at Murinjapuzha reveals that Kavungal peedika owned by Chand Mathayi has had no such transactions and in fact there is not even Rs. 20 worth of samans in this shop altogether. Chand Mathayi also denies having sold any such provision to Ouseph, Chacko or Kunhupappan whom he knew well. Again, Kunhupappan's version that he changed the hundred-rupee note at Kulathingal peedika is found to be false on verification with Mathayi Ephrahim alias Abraham of Cheeranchira peedika at the 40th mile. This Abraham and some others at Murinjapuzha also state that four or five months back, Kallivayil Abraham had a young bear in his house and that Abraham has secreted it now. It is also found on inquiry that Karimbanal people had no office or house at Murinjapuzha. Ouseph, the writer of Karimbanal estate, had disposed of what little lands he had at Murinjapuzha three years back. Thus, the statements of Kunhupappan, Ouseph and Chacko regarding the

transactions they had at Murinjapuzha and Ouseph's coming to Murinjapuzha to inform the non-availability of cardamom plants are all a pack of lies, invented at the spur of the moment to cover up their stay at Ponnambalamedu in the vicinity of the Sabarimala shrine during the relevant period. What else could be the object of this deliberate falsehood except an apparent purpose of an attempt to prove their innocence in the commission of setting fire to the shrine. Why should they fabricate a false story?

There is another background, which if viewed with the facts and the incidents mentioned above, will lend support to the possibility of an organised plan to destroy the Sabarimala shrine. In the month of Makaram, according to Ouseph, he followed a party of muthalalies consisting of Karimbana! Kochukunhu muthalali, Jnellamittath Kuttiachan, Podimittom Verghese, Karipparambil Devassya, Vadakkeparambil Thomman and Pottamkulam Thomas, who left Erumeli in a jeep and went to Kalaketti from where they went to Kollamuzhi by walk and halted. They directed the coolies to go into the forests and hunt. Then the muthalalies and himself went to Nilakkal in search of a church which they believed to be existing at Nilakkal. Though a search was made, they did not find any remnants of a church, but they saw only remnants of two or three temples. It is surprising that at this period of the history of Travancore these muthalalies are searching for a church on the route to Sabarimala. It may be that either they want to establish by some evidence the existence of a church there or to renovate it or they are in search of a suitable place for building a church. Anyway the desire for a church near the Sabarimala orthodox route seems to have been deeply rooted in their mind as otherwise there was no necessity for all these muthalalies to join on this business. Further, they have sent away the coolies and they have gone alone for this business. Thus, it can be seen that since some time, the Christians have begun to feel the increasing number of low-caste Hindus visiting the Sabarimala temple in ecstasy and devotion, which in all probability they would have thought if not checked would inevitably result in a check to the growing process of conversion of low-caste Hindus to Christianity. Further, the existence of a church at Nilakkal and Pampakadavu would in the long run attract Christians to colonise the area and thereby they could exploit these fertile regions and improve their financial conditions.

Mr. Wood, the Game Association Ranger, says that R. T. Abraham of Karimbanal and party were moving in the Sabarimala area in March, April and May for hunting. While one cannot definitely say that hunting was a pretext with some other ulterior motive, when taken into consideration with other facts detailed above including the quest for an old church by the muthalalies the possible conclusion is that these Christian Muthalalies were out to do something against Sabarimala temple, the existence of which they believed to be a menace to their very existence. The movements and activities of Abraham and party and other muthalalies in quest of the church can be believed only as a reconnoitering party for the purpose of hatching up a plan to destroy the temple once and once for all. This conclusion is further supported from the fact that Vattekkunnei Kunhupappan and party, Ouseph and party, and Kochu and party are all adherents and lieutenants of Karimbanal and Kallivayil families who are the forest kings of Northern Travancore. With the active connivance of Paill, Kunhupappan and party, the watchdogs could certainly commit this offence at the bidding of the above landlords. The relationship of Kunhupappan and party and other parties with Kallivayil and Karimbanal have already been explained.

"In cases of conspiracy, the agreement between the conspirators cannot be generally proved directly but only inferred from the established facts of the case. A conspiracy need not be established by evidence of actual agreement between the actual conspirators and overt acts raise a presumption of an agreement and knowledge and purpose of the conspiracy. In cases of conspiracy direct evidence will seldom be forthcoming and it is necessary to look at the circumstances to see where the conspiracy actually existed."

In this particular case direct evidence to prove the setting fire to the shrine is out of question. This is due to the nature and place of occurrence and being a crime in forests. The forests in which the shrine existed is in itself not an ordinary forest but a wild and dense one with no cultivation or plantation nearby and where only wild animals and Christian hunters alone move about. From the facts and circumstances brought out during the course of investigation and mentioned above, it is clear that those conclusions and circumstances were only from the statements of persons who are reasonably suspected in that case. Those statements are not admissible in evidence even as circumstantial evidence to prove the complicity of

the offenders in this case. There is no doubt from the facts ascertained and brought to light and mentioned in detail from all aspects that the crime is a fanatical one and perpetrated with a view to satiate fanaticism. In all fanatic crimes committed with a view to undermine the religious feelings of one community as a reprisal or otherwise, it is known from experience that the community to which the perpetrators belong is not likely to reveal or come out with a clean breast whatever might be the culture of individuals or groups belonging to this community, unless a greater danger to the very existence or a serious damage to that community or religion to which they belong are threatened with. Such a situation may arise in the natural course of events or might be brought about in big political and religious issue with the ultimate object of unearthing the mystery of a fanatical offence with the sole object of maintaining law and order. This bringing about a threatening danger, no doubt, may be an uncivilised expediency which under normal conditions may not be possible. The police cannot under any circumstance bring about such a threatening to a community with a view to coerce that community to which the perpetrators belonged and suspected to make a clean breast of their offence. In short the Police cannot coerce a confession out of suspected persons.

But in serious cases where the investigation of a particular case has established a conspiracy to commit a religious offence by one community against another, the possible development of a widespread agitation or feeling by the victim community has certainly to be taken into consideration and active measures to bring the offenders to book have to be decided upon. But the steps to be taken sometimes go beyond the pale of ordinary law and special laws have to be brought in if once facts gathered indicate reasonable suspicion.

It is common knowledge that the detection of a case or as a matter of fact the unravelling of the mystery of a baffling case, and particularly a case of this nature, the investigating officers can proceed only to a certain limit and could only point out their fingers against a particular community and the persons concerned by circumstantial evidence to prove their reasonable suspicion. But the matter is entirely a different one when these persons who are suspected reasonably, are charged before a court of law, wherein a particular kind of evidence coming within the four walls of the Evidence Act is alone admitted regardless of truth. Such evidence may be,

oral or documentary. In a case of this nature, one need not even think of any documentary evidence, since the case is one of arson. Coming to the oral evidence the testimony of persons who had either witnessed the occurrence or the persons to whom perpetrators of the offence could have communicated, either prior to or after the occurrence is of value. But in a case of this nature, such evidence or any other kind of evidence similar to that admissible under law can only be given by persons belonging to that community to which the perpetrators belong. In this particular case wherein the religion is involved, it is too much for anybody to expect such evidence to come out, because the damage to the co-religionists do by speaking the truth is, far more greater than the falsehood they speak denying the knowledge of the offence, which to them is only a passing sin which may not prick their conscience for ever, as they could always console that they had done it or uttered falsehoods to save their religion which might otherwise be endangered if they had spoken the truth. It is in this perspective that this case has to be viewed and the investigation having pointed out the concern of Christians, it is out of question that Christians would come out to depose against their own brothers. It is much more difficult to expect Christians to come out to give evidence against Christians particularly in a case where some Christians had rightly or wrongly destroyed a Hindu temple in the name of religion. But the authorities have to come to a conclusion whether the circumstances which have been brought out during the investigation and detailed above are sufficient enough to take special steps for their detention under the special law.

The persons suspected certainly could have been arrested and remanded on their own statements given before the Divisional First Class Magistrate. But this was not done as the next step after arrest could not possibly be conceived of, due to the natural causes of the case which can be characterised as inherent defects preventing further action.

The absence of likely clues, such as footprints, finger prints, distinct and indistinct signs of the movements of offenders, abandoning of the personal properties of offenders, abandoning of the implements used for the commission of crime, trails and tracks of offenders, marks of the entry and exit at the scene of crime. According to investigation, the period of occurrence has been ascertained as between 6th and

11th of Edavom. The offence was reported only on 17-6-1950| 3-11-1125. In between these dates there were rains and all the likely clues have been washed away. This is an unfortunate circumstance which had completely blocked further investigation from this angle. It looks as though that the very nature is against the possibility of procuring good evidence for a possible detection. The rains themselves would have swept away footprints showing the movements of offenders. Another unfortunate defect is that the parties that arrived first were not Police Officers but the Potti and party. And their excitement and sorrow at the sight of the temple in ruins can well be imagined. What they did in their excitement and what they saw in their excitement, they are not able to describe appropriately in the calmer mood. Certainly, there ought to have been clues by way of footprints inside the Sreekovil which were not however taken notice of by the above party. The finding of the conch and the 'edakka' inside the Sreekovil in tact is a point to prove that somebody had entered the Sreekovil to throw them after the temple was destroyed and that somebody certainly would have left his footprints inside where there was plenty of ashes and other charred materials. The only indistinct and indefinite indication are the conclusions arrived at by the noticing of a plank having been removed and placed inside the Thedappilli showing that some people had made themselves comfortable to sleep and also the missing of rice and other provisions from which only one could conclude that some persons have remained in the premises of the temple for a long period.

No human being could possibly be a witness to this crime unless by an extraordinary coincidence somebody happens to be there at the time of the commission of the crime. This extraordinary coincidence has not happened in this case and this handicap can well be imagined.

The belated report of the occurrence of nearly twenty days is by itself a circumstance which would dishearten any Police Officer when he is asked to handle this case. Because it is a well known principle in the science of investigation that the earlier the Police Officer reaches the scene, the easier for him to get clues for the investigation. This is another unfortunate circumstance in this case.

The Police Officers are left to themselves in the wilderness to search for truth. The investigating officer in this case had to start the investigation on possible theories and conclusions

more or less on nothing. It is after many days of analytical study and hard thinking, applying mature thoughts and proceeding on true and correct lines, the movements of a number of people in the area during the relevant period had to be brought to light. And it is in this process that the circumstantial evidence detailed above were brought to light and conclusions arrived at, pointing out reasonable suspicion against the persons mentioned above.

As already mentioned, direct evidence is an impossibility and the next best is to depend upon circumstantial evidence. If this circumstantial evidence is of such a nature as to be admissible in law, certainly the offenders would have been arrested and charged. In this case, the only persons who could speak about the occurrence and other details connected are the offenders themselves belonging to the Christian community. Their statements, however true, are not admissible in evidence unless they are confessions. I have already explained that confession of the offenders in this case is also out of question due to the fanatical aspect of the case in which the religion is involved.

I was placed on special duty only on the 8th of September 1950. I had no occasion to see the case diaries of the investigation made till then. Kunhupappan and some members of his party had been contacted by previous investigating officers of this case and to them it appeared that the party had no hand in this case. On a perusal of the case diary, I find that the party had been eliminated. This elimination, if the lines of the investigation and the conclusions arrived at by me are to be followed, certainly stands as a block against the legal value of the confession, if at all forthcoming from them.

The guardians of the forests are themselves privy to the offence. Paili, the Game watcher, is one of the persons who is suspected in this case about whose conduct I have detailed above. This is another unfortunate circumstance and one of the primary inherent defects.

Nilakantan, the Malayan Pandaran, was traced only on 22-8-1950. Thus his evidence became belated. Nobody is at fault for not tracing him because he is a wandering Malayan Pandaran in the wild forests.

The motive of the crime brought out during the investigation being religion and Christians being responsible for the offence, any information or clue leading to the detection was

an impossibility inasmuch as all the routes leading from the plain are in majority inhabited by Christians. The surrounding estate owners are also Christians.

I have arrived at a final stage of the investigation of this case and I have submitted the details of the investigations made by me and by my assistants with my conclusions arrived at on the evidence collected so far. The reports of investigations made so far from day to day have also been submitted. I wish to submit that no further useful purpose can be served by continuing the investigation unless it be that a confession is forthcoming to place the matter before a Court of Law. As such, I am submitting my final report.

I request that the Government may be pleased to advise further on the disposal of the case.

A rough sketch of Sabarimala and surroundings is herewith submitted for favour of perusal.

K. KESAVA MENON,
*Deputy Inspector General
of Police, S. B., C. I. D.,
(on special duty)*

(True copy)
